MAY 0 9 2006

DAE INV

Application No. (if known): 09/998,621

Attorney Docket No.: 03404/000K075-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. in an envelope addressed to:

Commissioner for Patents

Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

on May 9, 2006

Date

Signature Peck
Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note:

Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Renewed Petition for Withdrawal of Notice of Abandonment (3 pages)

Exhibit 1 - Copy of Decision of Petition (3 pages)

Exhibit 2 - Supplemental Declaration of Walter Norris (4 pages)

Exhibit 3 - Request for Withdrawal of Notice of Abandonment (3 pages)

Exhibit A - Copy of Notice of Abandonment (2 pages) Exhibit B - Declaration of Edward Ellis (3 pages)

Exhibit C - Declaration of Walter Norris (3 pages)

Exhibit D - Copy of File Jacket (1 page)

Exhibit E - PATTSY printout (2 pages)

Return Postcard



Docket No.: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Masato Takahashi et al.

Application No.: 09/998,621

Filed: November 30, 2001 Art Unit: 3727

For: SEALING ELEMENT, HERMETIC

CONTAINER AND SEALING METHOD

THEREOF

Examiner: Robin Annette HYLTON

Confirmation No.: 4928

RENEWED PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT UNDER 37 CFR 1.181

MAIL STOP PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified patent application received a DECISION ON PETITION dated April 27, 2006, (attached hereto as Exhibit 1) which was in response to Applicants' petition to withdraw the holding of abandonment dated March 24, 2006, (attached hereto as Exhibit 3) which was itself submitted in response to a NOTICE OF ABANDONMENT, mailed February 27, 2006 (copy enclosed as Exhibit A as part of Exhibit 3), advising that the above application has been abandoned due to Applicants' alleged failure to timely respond to an Office Action mailed June 6, 2005. However, Applicants never received this communication from the U.S. Patent and Trademark Office.

In the DECISION ON PETITION, the USPTO contends that the present application became abandoned as a consequence of a change of correspondence address and in particular, the USPTO records indicate the Office Action was mailed on June 6, 2005 to the correspondence address of record on this date, namely, Darby & Darby P.C., 805 Third Avenue, New York, NY

10022 and subsequently a change of correspondence address/customer number update was entered July 5, 2005 to update the customer number 7278 to reflect: Darby & Darby P.C., P.O. Box 5257, New York, NY 10150-5257. The USTPO is thus contending that this change in correspondence resulted in the abandonment of the present application. Applicants respectfully disagree for the following reasons.

Please enter this communication as a Renewed Petition to Withdraw Holding of Abandonment based on a Failure to Receive an Office Action (per MPEP 711.03(c)). The reason for this present Renewed Request to Withdraw Holding of Abandonment is that the present Applicants did not receive the Office Action mailed on June 6, 2005 prior to receiving the Notice of Abandonment and the change or correspondence filed July 5, 2005 is an immaterial fact since as set forth in the attached executed declaration (attached as Exhibit 2), mail that was at this time period (June 6, 2005), as well as mail that is currently, addressed to either Darby & Darby P.C., 805 Third Avenue, New York, NY 10022 or Darby & Darby P.C., P.O. Box 5257, New York, NY 10150-5257 was and is delivered to the same office and was and is processed in the same manner as explained in detail in the attached declaration. The offices of Darby & Darby P.C., never physically changed location and there was no disruption in delivery of mail since both addresses are proper, active mailing addresses of Darby & Darby P.C. The attached declaration attests to this fact and therefore, Applicants have satisfied the requirements needed to show that Applicants never received the Office Action and therefore could not respond to this outstanding Office Action since Applicants had no awareness of the existence of the outstanding Office Action.

As set forth below in the Supplemental Declaration executed by Walter J. Norris, Records Department Manager at Darby & Darby P.C., (Exhibit 2) attesting to the fact that mail addressed to either of the above addresses is delivered to the same office and is processed by the same intake department in the same manner described in the prior Declaration of Walter J. Norris (copy enclosed as Exhibit C of Exhibit 3). Applicants thus only became aware of the outstanding Office Action after the application become abandoned and Applicants received the Notice of Abandonment. Thus, during the time period of June 6, 2005 and up until the current date, any mail that is addressed to 805 Third Avenue, New York, NY 10022 and that is actually delivered via US

mail is received by the mail intake (Records) department of Darby & Darby P.C. and is processed as described herein.

It is respectfully requested that the present submission of the executed declarations, along with the other exhibits, be considered and that the present submission and request be acted upon so as to result in the present application being reinstated and withdrawn from a holding of abandonment and the June 6, 2005 Office Action should be remailed with a new time period for Applicants to formally respond. Applicants respectfully request that they have been diligent in seeking withdrawal of the notice of abandonment since becoming aware of such fact.

It is believed that no additional fee is due since the present application did not become abandoned as a result of Applicants' conduct or inactivity. If for some reason, the USPTO believes that fees or charges are due in connection with the above-identified matter, authorization is hereby given to charge our Deposit Account No. 04-0100.

Applicants respectfully request the withdrawal of the Holding of Abandonment for the present application and that the enclosed response/submission be entered and the present application examined on the merits and the outstanding Office Action be reissued.

For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: May 8, 2006

Ry ///

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant

Edward

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE P.D. BOX 1450 ALEXANDRIA, VA 22313-1450

Docketed without file

DARBY & MARBY P.C. P. O. BOX 5257

NEW YORK, NY 10150-5257

COPY MAILED

OFFICE OF PETITIONS

In re Application of

Takahashi, et al.

Application No. 09/998,621

Filed: November 30, 2001

Docket No.: 3404/0K075

DECISION ON PETITION

This is a decision on the petition, filed March 24, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The application became abandoned September 7, 2005 for failure to timely submit a proper reply to the non-final Office action mailed June 6, 2005. The non-final Office action set a three (3) month statutory period for reply. Notice of Abandonment was mailed February 27, 2006.

Petitioners allege non-receipt of the Office communication mailed June 6, 2005.

In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office

communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In support of the petition, petitioners have provided a copy of the docket record where the Office communication would have been entered had it been received along with a statement from practitioner and practitioners' Records Department Manager that a search of the docket record and file jacket indicated that the Office communication was not received.

Petitioners arguments have been carefully considered by are not found convincing.

Where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply), petitioners are required to establish that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (See, MPEP 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. See, MPEP 711.03(c).

Office records indicate the Office communication was properly mailed to the correspondence address of record at the time of mailing (specifically, the correspondence address as of June 6, 2005, the date of mailing of the Office action was: Peter C. Schechter, Darby & Darby P.C., 805 Third Avenue, New York, New York 10022). Accordingly, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office as a change of correspondence address/customer number update was entered July 5, 2005, subsequent to the date of mailing of the Office action (Customer Number 7278 was updated July 5, 2005 to reflect: Darby & Darby P.C., P.O. Box 5257, New York, New York 10150-5257).

ALTERNATE VENUE

Petitioners are strongly urged to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR

1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By facsimile:

(571) 273-8300

By hand delivery:

U.S. Patent and Trademark Office Customer Window, Mail Stop Petition

Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown Petitions Attorney Office of Petitions Customer No.: 07278 Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No:

09/998,621

Filed:

November 30, 2001

For:

SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD

THEREOF

SUPPLEMENTAL DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

- 1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.
- 2. I make this declaration in support of the RENEWED REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The request seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.

- 4. In the Decision on Petition dated April 27, 2006 (attached as Exhibit 1), the USPTO has dismissed the petition on the grounds that the USPTO is of the opinion that the application became abandoned as a consequence of a change of correspondence address as outlined on page 2 of the decision. The USPTO indicates that the Office records indicate that the communication was properly mailed to the correspondence address as of June 6, 2005 which was Darby & Darby P.C., 805 Third Avenue, New York, NY 10022 and a change of correspondence address/customer number update was entered July 5, 2005, subsequent to the June 6, 2005 date of mailing the Office Action (customer number 7278 was updated July 5, 2005 to reflect a mailing address of Darby & Darby P.C., P.O. Box 5257, New York, New York, 10150-5257).
- 5. Prior and subsequent to June 5, 2005 and to the present date, the offices of Darby & Darby P.C. have been located at 805 Third Avenue, New York, NY 10022.
- 6. Prior and subsequent to the mail date of June 5, 2005 and up until the current date, mail that is addressed to Darby & Darby P.C., 805 Third Avenue, New York, NY 10022 was and is still delivered to our offices at the same address and is received and processed by the Records Department of the law firm. Accordingly, mail that is addressed to either "Darby & Darby P.C., 805 Third Avenue, New York, NY 10022" or "Darby & Darby P.C., 805 Third Avenue, New York, NY 10022" is delivered to the same location, namely, our offices at 805 Third Avenue, New York, NY 10022 and is processed in the same manner which is set forth in my declaration dated March 24, 2006, regardless of whether the mail is addressed to 805 Third Avenue, New York, NY 10022 or to 805 Third Avenue, New York, NY 10022 in that it is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of {W:\03404\000K075000\000733804.DOC

the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

7. As set forth in my March 24, 2006 declaration, I have checked our running report of USPTO mail received after the alleged mail date of the Office Action in this case (June 6, 2005), and found that we have no record of having received any USPTO mail for this matter up to the receipt of the Notice of Abandonment. A computer print screen from our database for the present application shows that no entry was made for an Office Action dated June 6, 2005, but instead merely shows that the next communication received after the Request for Continued Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: May 8, 2006

Walter J. Nortis

DARBY & DARBY, P.C. 805 Third Avenue New York, N.Y. 10022

Phone (212) 527-7700

Atty Docket No.: 03404/000K075-US

Inventor: Masato Takahashi et al.

Appln: 09/998,621

Filed: Nov. 30, 2001

SEALING ELEMENT, HERMETIC CONTAINER AND Title:

SEALING METHOD THEREOF

Documents:

Request for Withdrawal of Notice of Abandonment (3 pages)

Exhibit A - Copy of Notice of Abandonment (2 pages)

Exhibit B - Declaration of Edward Ellis (3 pages)

Exhibit C - Declaration of Walter Norris (3 pages)

Exhibit D - Copy of File Jacket (1 page)

Exhibit E - PATTSY printout (2 page)

Certificate of Express Mailing (1 page)

Via: Express Mail 77 8 8 2 3 7 7 7 - 45
Sender Initials: EJE/rag Date: March 24, 2006

BWL

Attorney Docket No.: 03404/000K075-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. in an envelope addressed to:

= 778823777 - 4s

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on March 24, 2006

Date

B.w	Lee			
Signature				
Typed or printed name of pe	erson signing Certificate			
Registration Number, if applicable	Telephone Number			

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request for Withdrawal of Notice of Abandonment (3 pages)

Exhibit A - Copy of Notice of Abandonment (2 pages) Exhibit B - Declaration of Edward Ellis (3 pages)

Exhibit C - Declaration of Walter Norris (3 pages)

Exhibit D - Copy of File Jacket (1 page) Exhibit E - PATTSY printout (2 pages)

Return Postcard

Docket No.: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Masato Takahashi et al.

Application No.: 09/998,621

Confirmation No.: 4928

Filed: November 30, 2001

Art Unit: 3727

For: SEALING ELEMENT, HERMETIC

CONTAINER AND SEALING METHOD

THEREOF

Examiner: Robin Annette HYLTON

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

MAIL STOP PETITION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified patent application received a NOTICE OF ABANDONMENT, mailed February 27, 2006 (copy enclosed as Exhibit A), advising that the above application has been abandoned due to Applicants' alleged failure to timely respond to an Office Action mailed June 6, 2005. However, Applicants never received this communication from the U.S. Patent and Trademark Office.

Please enter this communication as a Request to Withdraw Holding of Abandonment based on a Failure to Receive an Office Action (per MPEP 711.03(c)). The reason for this present Request To Withdraw Holding of Abandonment is that the present Applicants did not receive the Office Action mailed on June 6, 2005 prior to receiving the Notice of Abandonment and therefore could not respond to this outstanding Office Action since Applicants had no awareness of the existence of the outstanding Office Action.

The Patent Office is respectfully advised that on March 14, 2005, Applicants submitted pursuant to 37 C.F.R. § 1.10, *inter alia*, a Request for Continued Examination (RCE) along with an Amendment in Response to a Final Office Action, and Check No. 7934 for \$790 to cover the RCE fee. These papers were received and acted on by the Examiner who then subsequently mailed the Office Action on June 6, 2005. However, the next communication that the Applicants received after filing the RCE was the Notice of Abandonment dated February 27, 2006.

As set forth below in the Declarations of Edward J. Ellis (copy enclosed at Exhibit B) and Walter J. Norris (copy enclosed at Exhibit C), Applicants only became aware of the outstanding Office Action after the application become abandoned and Applicants received the Notice of Abandonment.

The declaration signed by Walter J. Norris, Records Department Manager at Darby & Darby P.C., (Exhibit C) describes the procedure followed by our Records Department in the handling of all mail received from the Patent Office.

It is respectfully requested that the present submission of the executed declarations, along with the other exhibits, be considered and that the present submission and request be acted upon so as to result in the present application being reinstated and withdrawn from a holding of abandonment and the June 6, 2005 Office Action should be remailed with a new time period for Applicants to formally respond. Applicants respectfully request that they have been diligent in seeking withdrawal of the notice of abandonment since becoming aware of such fact.

It is believed that no additional fee is due since the present application did not become abandoned as a result of Applicants' conduct or inactivity. If for some reason, the USPTO believes that fees or charges are due in connection with the above-identified matter, authorization is hereby given to charge our Deposit Account No. 04-0100.

Applicants respectfully request the withdrawal of the Holding of Abandonment for the present application and that the enclosed response/submission be entered and the present application examined on the merits and the outstanding Office Action be reissued.

For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: March 24, 2006

Respectfully submitted

Edward J. Ellis

Registration No.: 40,389 DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

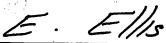
(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,621	11/30/2001	Masato Takahashi	3404/0K075	4928
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(A proper reply under 37 CFR 1.1 application in condition for allowar Continued Examination (RCE) in a	13 to a final reje nce; (2) a timely	ction consists only of: (1) a filed Notice of Appeal (with	timely filed amend	ment which als	acce the
(c) A reply was received on but final rejection. See 37 CFR 1.85(a	ut it does not con a) and 1.111. (S	stitute a proper reply, or a ee explanation in box 7 be	bona fide attempt a	it a proper repl	y, to the non-
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2. Applicant's failure to timely pay the refrom the mailing date of the Notice of (a) The issue fee and publication fee), which is after the expiration Allowance (PTOL-85). (b) The submitted fee of \$ is insome The issue fee required by 37 CFI (c) The issue fee and publication fee, is allowability (PTO 37).	Allowance (P10e, if applicable, on of the statutor sufficient. A bala R 1.18 is \$	L-85). was received on (we was received on (we we was received for payment of the publication fee, if reserved.	ith a Certificate of issue fee (and pub	Mailing or Tra dication fee) se	nsmission dated at in the Notice of
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etitions to revive under 37 CFR 1.137(a) or (b), or nimize any negative effects on patent term.	requests to withdo	raw the holding of abandonme	nt under 37 CFR 1.18	31, should be pro	emptly filed to
Patent and Trademark Office DL-1432 (Rev. 04-01)	Notice	of Abandonment		Part of Paper	No. 20060215

Customer No.: 07278 Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No:

09/998,621

Filed:

November 30, 2001

For:

SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD

THEREOF

DECLARATION OF EDWARD J. ELLIS

Edward J. Ellis declares and says:

- 1. I am an attorney of record in the above identified application.
- 2. I make this declaration in support of the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The REQUEST which seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006, in the above-referenced application and (b) to have the Office Action dated June 6, 2005 remailed to the Applicants.
- 3. Upon receiving this Notice of Abandonment, I checked the file jacket of the present application for the existence of the Office Action dated June 6, 2005 and did not locate such Office Action in the file jacket.

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- 4. A docket sheet (enclosed as Exhibit D) for the present application which is located on the front cover of the file jacket for the application was also checked to see if any entry was made showing receipt of the June 6, 2005 Office Action and the entry of a deadline to file a response to the Office Action. No such docket entry was found but instead, the docket sheet only shows that the RCE was filed on March 14, 2005 as a response to the Final Office Action (see highlighted section on the docket sheet enclosed as Exhibit D) and then an entry entitled "Petition to Revive" was entered with a base date of February 27, 2006 to evidence the mail date and receipt of the Notice of Abandonment.
- 5. After receiving the Notice of Abandonment, I checked the public PAIR system that is operated at the USPTO.GOV website, at which time and for the first time, the June 6, 2005 Office Action was uncovered and viewed.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document

or any registration resulting therefrom.

Dated: March 24, 2006

Edward J. Ellis

DARBY & DARBY, P.C. 805 Third Avenue New York, N.Y. 10022 Phone (212) 527-7700 Customer No.: 07278 Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No:

09/998,621

Filed:

November 30, 2001

For:

SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD

THEREOF

DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

- 1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.
- 2. I make this declaration in support of the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The REQUEST seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.

- 4. It is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.
- 5. All USPTO documents with deadlines (including Office Actions) are scanned into the firm's network so that they can be viewed and/or printed at any time. In addition, a docket entry indicating that mail has been received is entered into the corresponding record in our database, identified by the USPTO mail date and name of the document. (To keep the firm's personnel fully informed at all times, a database report is generated on a daily basis identifying all USPTO mail received.) The actual USPTO document is then matched to the hard file and delivered to the Docketing Department for docketing of its due date on the cover of the hard file, as well as in the firm's hard docketing ledgers.

Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application (Exhibit D) likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006

Walter J. Norris

DARBY & DARBY, P.C. 805 Third Avenue New York, N.Y. 10022 Phone (212) 527-7700





ASSC

03404 / 000K075-US0

PRINTED ON Wednesday, March 08, 2006

Fujimoto Patent & Law Office Last Updated By: DBP

201

Application No.:

09/998,621

Client Ref. No.:

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Fitle of Invention:

SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD

THEREOF

Small Entity: no

Assignment: R/F: 012339/0340 TOKYO, JAPAN & HYOGO, JAPAN

Assignee(s): Shin-Etsu Polymer Co., Ltd.

Mitsubishi Cable Industries, Ltd.

Inventor(s): Takahashi, Masato

Fujimori, Yoshiaki; Azuma, Yoshio Nishmura, Yasuyuki

Horita, Naohiro

	ACTION	BASE	DUE	EXT	NS	FINAL	EXT	RESPONSE	CALL UP
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TYPE	UTL	STATUS	PUBLISHED							ISSUE	12/26/2002
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INVENTOR Takahashi,	Masato		_	GNEES Polymer Co., Ltd.			
Fujimori, Yo			Mitsubishi	Cable Industries, L	td.		
Nishmura,							
Horita, Naol	hiro]				
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TEXT 1				SMALL ENTITY	no	ART UNIT	
TEXT 2				CLAIMS		EXAMINER	
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